

Commissioner for Patents

REMARKS

Claims 1-2, and 4-12 remain in the application.

Claims 1 and 4 are currently amended.

Claims 3 and 13-24 are cancelled.

In Item I of the Office Action of August 14, 2008, the Examiner objected to some of the Applicant's previous amendments. In view of the Examiner's objection, claims are cancelled, whereby the objection is now moot.

In Item II of the Office Action, the Examiner objected to the drawings. With the claim cancellation described above, the objection is now moot.

In Item IV of the Office Action, the Examiner objected to Claim 1 over Cates and Carstens. The Applicant herein amends Claim 1, to insert structural limitations that are absent from both Cates and Carstens.

The Applicant maintains his position that the apparatus of Claim 1 is the only one that has an arm that remains above an undersurface of a stair-climbing apparatus. Accordingly, two additional structural limitations are added to Claim 1 to emphasize this difference.

Firstly, Claim 1 now has the limitation that the anti-roll device is mounted to the body of the apparatus by a "*linear joint*". This amendment is supported by the application as filed, for instance in Figs. 4 and 5, and in paragraph [0039].

In both Cates and Carstens, rotational joints are used. In Cates, the stops 52 "*are pivotally mounted on the ends of the shaft 20*" (emphasis added) (column 2, lines 68-69). In Carstens, there is a "*hinge pin 21 on which a support arm 30 is mounted freely rotating*" (emphasis added) (column 5, lines 6-7). The fact that rotational joints are used in both Cates and Carstens illustrates that the mechanisms they teach are provided to stop rearward movement of apparatus down stairs, as these mechanism (i.e., the stops 52 of Cates and the support arm 30 of Carstens) abut against the stairs at all times. Accordingly, Cates and Carstens would not work if used with a linear joint. Therefore, Claim 1 features a structural limitation that is clearly absent from both references. Moreover, Cates and Carstens both teach against the structural limitation of Claim 1.

Commissioner for Patents

Secondly, Claim 1 now has the structural limitation on the direction of movement of the arm from the tucked position to the projecting position. The direction of movement is claimed as parallel to the undersurface of the apparatus. This parallel movement ensures that the arm does not interfere with the stairs unless the apparatus rolls over.

Again, both Cates and Carstens teach the rotational movement of a mechanism (stops 52 in Cates and support arm 30 in Carstens), such that the mechanism blocks against stairs. A parallel movement would prevent the stops 52 of Cates and the support arm 30 of Carstens of blocking the apparatuses thereof against the stairs, whereby Cates and Carstens both teach away from this limitation.

In view of the absence of the above-referred structural limitations from both Cates and Carstens, Claim 1 is deemed to patentably distinguish over the cited references.

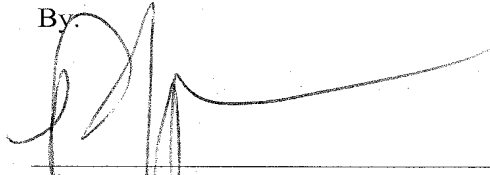
Because of the cancellation of Claim 3, Claim 4 is amended to correct its dependency, and to use language consistent with the limitations added to Claim 1.

In view of the above amendments remarks, this application is now considered to be in condition for allowance, and early notice to that effect is earnestly solicited.

Respectfully submitted,

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By:



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(Date)

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